



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue, Silver Spring, Maryland 20910-3760

(301) 495-4615

## APPROVED MINUTES

The Montgomery County Planning Board met in regular session on Thursday, April 14, 2005, at 1:00 p.m., in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:45 p.m.

Present were Chairman Derick P. Berlage, Vice Chair Wendy C. Perdue, and Commissioners Allison Bryant, John Robinson, and Meredith Wellington.

The Board convened in the third floor conference room to take up General Meeting items, which are reported on the attached agenda.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Planning Board's Closed Session.

The Board convened in Closed Session at 1:15 p.m. in the third floor conference room, on motion of Commissioner Bryant, seconded by Vice Chair Perdue, with Chairman Berlage, Vice Chair Perdue and Commissioners Bryant, Robinson, and Wellington present and voting in favor of the motion. The meeting was closed under authority of State Government Article, Annotated Code of Maryland §10-508(a)(7), to consult with counsel to obtain legal advice, and §10-508(a)(1), to discuss personnel matters.

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Also present for all or a portion of the Closed Session were Associate General Counsels Michele Rosenfeld, Debra Daniel, and Tariq El Baba of the Legal Department; Superintendent of Parks Les Straw, Marie-Edith Michel, Mary Ellen Venzke, and Jeffrey Zyontz of the Department of Park and Planning; Bruce Crawford of Central Administrative Services; and Marion Joyce and Ann Daly of the Commissioners' Office.

In Closed Session, the Board consulted with legal counsel and offered guidance on the rewrite of the Board's Rules of Procedure, and consulted with Commission staff on Department budget issues and strategy.

The Closed Session was adjourned at 2:00 p.m., and the Board reconvened in open session in the conference room.

The Board convened in the auditorium at 2:15 p.m.

COMMISSIONERS' REPORTS

There were no Commissioners' reports.

DIRECTOR'S REPORTS

There were no Director's reports.

Items 1 through 3 are reported on the attached agenda.


Item 4 was taken out of order at the end of the afternoon, following Item 7, and is reported on the attached agenda.

Items 5 through 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:45 p.m. The next regular meeting of the Planning Board will be held Thursday, April 21, 2005, in the Montgomery Regional Office in Silver Spring, Maryland.



E. Ann Daly  
Technical Writer

  
M. Clara Moise  
Technical Writer

Agenda for Montgomery County Planning Board Meeting

**Thursday, April 14, 2005, 9:30 A.M.**

8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Board Action

Roll Call	See minutes
Commissioners' Reports	None
Directors' Reports	None
Reconsideration Requests	None
Adoption of Opinions: Whetstone Run Site Plan 8-05010, Preliminary Plan 1-05036; Baum Site Plan 8-05012 and Preliminary Plan 1-04098; and Kingsview Village Site Plans 8-97007A and 8-94031C.	Adopted

**GENERAL MEETING** (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Administrative Items
- B. Land exchange related to modernization projects of Montgomery County Public Schools –  
*Discussion and approval*
- C. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7)  
(consult with counsel to obtain legal advice) (Subject: Planning Board Rules of Procedures)*
- D. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (1)  
(Subject: To discuss personnel matters)*

**BOARD ACTION**

**Motion:** B.) WELLINGTON/ROBINSON

**Vote:**

**Yea:** B.) 5-0

**Nay:**

**Other:**

**Action:**

A.) Discussed calendar

B.) Approved staff recommendation to approve an alternative land exchange to that originally proposed with respect to the Broad Acres and Wood Acres elementary school modernization projects, as detailed in staff's March 28 memorandum to the Board, which proposes conveying to M-NCPPC the Silver Spring Intermediate School site rather than the Briggs Chaney Middle School site.

Also noted an information-only item: an administrative DPWT request for comment on the proposed sale of a 6,336 square foot unimproved splinter parcel to WMATA for use in the Twinbrook Metro area.

C. and D.) Handled in Closed Session. See narrative minutes for an open session report and State citation.

1. **Mandatory Referral No. 04606-MCPS-1: Northwood High School –**  
Telecommunications monopole with lights, R-60 Zone, 919 University Boulevard West,  
Kemp Mill Master Plan Area

**Staff Recommendation:** *Approval and transmittal of comments to Montgomery County Public Schools.*

**BOARD ACTION**

**Motion:** BRYANT/PERDUE

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation of approval with comments as amended to request consideration of a site nearer the stadium, as reflected in the letter to the MCPS, copy attached.

Mr. James R. Michal, attorney, testified for the applicant.

Mr. Jeffrey Hoffman of Northwest Terrace objected to the proposed location of the tower and expressed various other concerns.

Mr. Patrick Hanehan testified on behalf of the Montgomery County Public Schools.

2. **Mandatory Referral No. 05801-DPWT-1:** White Oak Transit Center, providing new bus shelters and passenger and bus queuing areas on Lockwood Drive adjacent to the White Oak Shopping Center, Eastern Montgomery County Planning Area (CTP Project No. 509337) –.

**Staff Recommendation:** *Approval to transmit comments to the Montgomery County Council and Montgomery County Department of Public Works and Transportation*

## **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** By unanimous consent and with the five Commissioners present, agreed to defer for two weeks to allow Department of Public Works and Transportation an opportunity to discuss with interested parties the pedestrian and bus use patterns, and an idea to relocate bus stop "C" 50 yards to the east.

Department staff presented highlights of the April 8 technical staff report.

Mr. Rob Klein, Department of Public Works and Transportation (DPWT) provided information and participated in the discussion about bus stop locations and bus use patterns.

Ms. Eileen Finnegan of Sweet Briar Parkway and a member of the Citizens Advisory Board for Hillandale, testified as a citizen about the transit service and need for sheltered bus stops in the area.

Mr. James Donlan of Saul Centers, Inc., was present on behalf of the White Oak Shopping Center management.

3. **Remedial Map Amendment G-835:** Fall Creek, LLC, applicant, request to reclassify 2.5 acres of property from the Country Inn Zone to the RDT Zone; located at 23061 Laytonsville Road.

**Staff Recommendation:** *Transmit recommendation of approval to the District Council.*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the remedial rezoning change, reverting the property to the Rural Density Transfer Zone, as stated in the attached copy of the transmittal to the District Council.

Ms. Anne Martin, attorney, testified in support of the request for the applicant.

4. **Site Plan Review No. 8-98001, 8-98001B and 8-02014, Clarksburg Town Center, RMX-2 Zone; Threshold Hearing for Possible Building Height Violation; Determination pursuant to Section 59-D-3.6 of the Zoning Ordinance (Failure to Comply); 120 acres; Southeast quadrant of the intersection of Piedmont Road and Clarksburg Road; Clarksburg.**

**APPLICANT:** Newland Communities- Developer; Buzzuto Homes and Craftstar Homes – Builders

**ENGINEER:** Charles P. Johnson & Associates

**Staff Recommendation:** *Designed and constructed residential building heights comply with site plan approvals.*

**BOARD ACTION**

**Motion:** PERDUE/BRYANT

**Vote:**

**Yea:** 4-1

**Nay:** WELLINGTON

**Other:**

**Action:** Approved staff recommendation, finding that building heights of subject structures comply with site plan approvals.

A verbatim transcript of this item is on file in the Montgomery Regional Office in Silver Spring, Maryland.

This item was deferred to the last item of the afternoon, following agenda Item 7.

5. **Preliminary Plan No. 1-04012 Lopatin Property**

RE-2 Zone; 4.62 acres; 2 lots requested; 2 one-family detached dwelling units

Private water and private septic

Located on the west side of Clarksburg Road (MD 121), at the terminus of Ascot Square Court

Applicant: Andrew and Norma Lopatin

Engineer: Benning and Associates

Planning Area: Clarksburg

**Staff recommendation:** *Approval, subject to conditions*

**\*\*\*\*\* See Staff Memorandum for Discussion \*\*\*\*\***

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval subject to conditions as stated in the opinion adopted by the Board, copy attached.

Mr. David McKee, engineer for the applicant, accepted the staff recommendation.



6. **Preliminary Plan No. 1-05044 Hunter Property**

RDT Zone; 55.28 acres; 2 lots requested; 2 one-family detached dwelling units

Private water and private septic (sand mound system)

Located on the south side of West Hunter Road, approximately 3,200 feet southwest of Darnestown Road

Applicant: John R. Hunter, Jr.

Engineer: Benning and Associates

Planning Area: Agricultural and Rural Open Space

**Staff recommendation:** *Approval, subject to conditions*

**\*\*\*\*\* See Staff Memorandum for Discussion \*\*\*\*\***

**BOARD ACTION**

**Motion:** **BRYANT/WELLINGTON**

**Vote:**

**Yea:** **5-0**

**Nay:**

**Other:**

**Action:** **Approved the applicant's request to defer.**

Mr. David McKee, engineer for the applicant, offered testimony in support of the application. After hearing Commissioners' statements of concern about the use of septic sand mounds in the Rural Density Transfer Zone and in the Agricultural and Rural Open Space planning area, Mr. McKee asked the Board to defer action on the plan.

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**7. Record Plats**

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

- 2-05169      Nottingham Woods  
South side of Notley Road, approximately 400' west of New Hampshire Avenue  
R-200 Zone, 7 Lots  
Community Water, Community Sewer  
Planning Area: Colesville/White Oak  
The Associated Companies, Applicant
- 2-05170      Woodcrest  
to Northeast side of Frederick Road, approximately 1400 feet west of Clarksburg Road
- 2-05175      R-200 Zone, 86 Lots, 12 Parcels  
Community Water, Community Sewer  
Planning Area: Clarksburg & Vicinity  
Miller & Smith @Woodcrest, Applicant
- 2-05176      Mount Zion  
East of Zion Road, approximately 900 feet north of Olney-Laytonsville Road  
RE-1 Zone, 3 Lots  
Community Water, Private Septic  
Planning Area: Olney & Vicinity  
Olympus Real Estates Group, LLC

**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:**

**Action:**      **By unanimous consent, approved staff recommendation as stated above.**



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
Office of the Chairman, Montgomery County Planning Board

April 21, 2005

Dr. Jerry D. Weast, Superintendent  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, Maryland 20850

SUBJECT: Mandatory Referral 04606-MCPS-1  
Northwood High School Telecommunications Monopole with Lights

Dear Dr. Weast:

At the regular meeting of April 14, 2005, the Planning Board reviewed as a Mandatory Referral the Montgomery County Public Schools' proposal to install a 110-foot telecommunications monopole with lights at the 30-foot level, to illuminate the adjacent tennis courts. The Planning Board listened to residents who are concerned with radiofrequency (RF) levels from the proposed telecommunications monopole, and who also expressed a desire to keep the telecommunications monopole as far from the homes as possible. The Planning Board recommends that this mandatory referral proposal be approved with the two comments stated below.

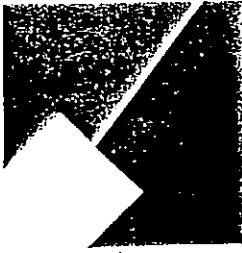
1. A letter certifying that the telecommunications monopole is operating with Federal Communications Commission (FCC) standards is to be provided on an annual basis to Montgomery County Public Schools (MCPS). Additionally, an actual radiofrequency (RF) measurement will be provided to MCPS after the telecommunications monopole is installed, and after each co-location on the telecommunications monopole.
2. Although the Planning Board approved the proposed location of the telecommunications monopole adjacent to the tennis courts, the Planning Board suggested that consideration be given to locating the telecommunications monopole closer to the stadium.

Sincerely,

Derick P. Berlage  
Chairman

DPB:CN:ha:  
Attachment

M-NCPPC



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Date Mailed: JUN 10 2005

Action: Approved Staff  
RecommendationMotion of Commissioner Bryant,  
seconded by Commissioner Robinson,  
with a vote of 5-0;  
Chairman Berlage and Commissioners  
Bryant, Perdue, Robinson, and  
Wellington voting in favor.

## MONTGOMERY COUNTY PLANNING BOARD

## OPINION

Preliminary Plan 1-04012  
NAME OF PLAN: Lopatin Property

The date of this written opinion is JUN 10 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion; consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

On 8/15/03, Andrew and Norma Lopatin ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 2 lots on 4.62 acres of land located on the west side of Clarksburg Road (MD 121), at the terminus of Ascot Square Court, in the Clarksburg master plan area. The application was designated Preliminary Plan 1-04012. On 04/14/05, Preliminary Plan 1-04012 was brought before the Montgomery County Planning Board ("Planning Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes:

the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

At the public hearing, Development Review Staff ("Staff") recommended approval of the proposed preliminary plan in accordance with the analysis and recommendations set forth in its Memorandum to the Planning Board, dated April 8, 2005. Staff also submitted Revised Conditions and recommended that its original proposed Condition #7 be deleted as no longer necessary.

The Applicant's representative appeared before the Planning Board and testified that he concurred with Staff's recommendation, as revised at the public hearing.

No other speakers testified at the public hearing, and no opposition was presented in the record.

### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The Preliminary Plan No. 1-04012 substantially conforms to the Clarksburg master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

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<sup>1</sup> The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval of the forest conservation plan.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

#### **CONDITIONS OF APPROVAL**

Finding Preliminary Plan No. 1-04012 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-04012, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 10, 2003.
- 5) Compliance with conditions of MCDPWT letter dated March 15, 2003 unless otherwise amended.
- 6) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 8) Compliance with conditions of MCDPS (Health Dept.) septic approval dated January 14, 2005.

9) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

\* \* \* \* \*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MF 6/7/05

Approved for legal sufficiency  
M-NCPPC Office of General Counsel

**CERTIFICATION OF BOARD VOTE ADOPTING OPINION**

At its regular meeting, held on Thursday, June 9, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent and with the five Commissioners present, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 1-04012, Lopatin Property.



Certification As To Vote of Adoption  
E. Ann Daly, Technical Writer